

The JS-44 civil cover sheet and the information contained hereon neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Securities Investor Protection Corporation

DEFENDANTS

Bernard L. Madoff Investment Securities LLC

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Phillips Nizer LLP
666 Fifth Avenue
New York, NY 10104
Attorneys for Appellants Diane and Roger Peskin and
Maureen Ebel, with the support of more than 100 other
customers

ATTORNEYS (IF KNOWN)

Baker & Hostetler LLP
45 Rockefeller Plaza
New York, NY 10111
Attorneys for the Trustee

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Appeal of Bankruptcy Order, under 28 USC 158.

Has this or a similar case been previously filed in SDNY at any time? No? ☒ Yes? ☐ Judge Previously Assigned _____

If yes, was this case Vol. ☐ Invol ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 610 AGRICULTURE	[X] 422 APPEAL 28 USC 158	[] 400 STATE REAPPORTIONMENT
[] 120 MARINE	[] 315 AIRPLANE PRODUCT LIABILITY	[] 365 PERSONAL INJURY PRODUCT LIABILITY	[] 620 OTHER FOOD & DRUG	[] 423 WITHDRAWAL 28 USC 157	[] 410 ANTITRUST
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL & SLANDER	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[] 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881		[] 430 BANKS & BANKING
[] 140 NEGOTIABLE INSTRUMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY	PERSONAL PROPERTY	[] 630 LIQUOR LAWS	PROPERTY RIGHTS	[] 450 COMMERCE
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 340 MARINE	[] 370 OTHER FRAUD	[] 640 RR & TRUCK	[] 820 COPYRIGHTS	[] 460 DEPORTATION
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY	[] 371 TRUTH IN LENDING	[] 650 AIRLINE REGS	[] 830 PATENT	[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[] 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)	[] 350 MOTOR VEHICLE	[] 380 OTHER PERSONAL PROPERTY DAMAGE	[] 660 OCCUPATIONAL SAFETY/HEALTH	[] 840 TRADEMARK	[] 480 CONSUMER CREDIT
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 355 MOTOR VEHICLE PRODUCT LIABILITY	[] 385 PROPERTY DAMAGE PRODUCT LIABILITY	[] 690 OTHER LABOR		[] 490 CABLE/SATELLITE TV
[] 160 STOCKHOLDERS SUITS	[] 360 OTHER PERSONAL INJURY		[] 710 FAIR LABOR STANDARDS ACT	[] 862 BLACK LUNG (923)	[] 810 SELECTIVE SERVICE
[] 190 OTHER CONTRACT	ACTIONS UNDER STATUTES		[] 720 LABOR/MGMT RELATIONS	[] 863 DIWC/DIWW (405(g))	[] 850 SECURITIES/COMMODITIES/EXCHANGE
[] 195 CONTRACT PRODUCT LIABILITY	CIVIL RIGHTS	PRISONER PETITIONS	[] 730 LABOR/MGMT REPORTING & DISCLOSURE ACT	[] 864 SSID TITLE XVI	[] 875 CUSTOMER CHALLENGE 12 USC 3410
[] 196 FRANCHISE	[] 441 VOTING	[] 510 MOTIONS TO VACATE SENTENCE 28 USC 2255	[] 740 RAILWAY LABOR ACT	[] 865 RSI (405(g))	[] 890 OTHER STATUTORY ACTIONS
REAL PROPERTY	[] 442 EMPLOYMENT	[] 530 HABEAS CORPUS	[] 790 OTHER LABOR LITIGATION	FEDERAL TAX SUITS	[] 891 AGRICULTURAL ACTS
[] 210 LAND CONDEMNATION	[] 443 HOUSING/ACCOMMODATIONS	[] 535 DEATH PENALTY	[] 791 EMPL RET INC SECURITY ACT IMMIGRATION	[] 870 TAXES (U.S. Plaintiff or Defendant)	[] 892 ECONOMIC STABILIZATION ACT
[] 220 FORECLOSURE	[] 444 WELFARE	[] 540 MANDAMUS & OTHER	[] 462 NATURALIZATION APPLICATION	[] 871 IRS-THIRD PARTY 26 USC 7609	[] 893 ENVIRONMENTAL MATTERS
[] 230 RENT LEASE & EJECTMENT	[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[] 550 CIVIL RIGHTS	[] 463 HABEAS CORPUS-ALIEN DETAINEE		[] 894 ENERGY ALLOCATION ACT
[] 240 TORTS TO LAND	[] 446 AMERICANS WITH DISABILITIES - OTHER	[] 555 PRISON CONDITION	[] 465 OTHER IMMIGRATION ACTIONS		[] 895 FREEDOM OF INFORMATION ACT
[] 245 TORT PRODUCT LIABILITY	[] 440 OTHER CIVIL RIGHTS				[] 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE
[] 290 ALL OTHER REAL PROPERTY					[] 950 CONSTITUTIONALITY OF STATE STATUTES

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☒ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding ☐ 2a. Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1322, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[] 1	[] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[] 3	[] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[] 5	[] 5
CITIZEN OF ANOTHER STATE	[] 2	[] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4	[] 4	FOREIGN NATION	[] 6	[] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Securities Investor Protection Corporation
805 Fifteenth Street, N.W., Suite 800
Washington D.C. 20005

Appellants:

Diane and Roger Peskin, 51 East Wall St., Bethlehem, PA 18018
Maureen Ebel, 506 Hansen Drive, West Chester, PA 19830

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Bernanrd L. Madoff Investment Securities LLC
c/o Irving H. Picard, Trustee
Baker & Hostetler LLP
45 Rockefeller Plaza
New York, NY 10111

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO:
(DO NOT check either box if this a PRISONER PETITION.)

☐ WHITE PLAINS

☒ MANHATTAN

DATE
8/14/2009

SIGNATURE OF ATTORNEY OF RECORD

Chyng V. Velluto

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

[X] YES (DATE ADMITTED Mo. 01 Yr. 2001)

Attorney Bar Code # CV8507

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

J. Michael McMahon, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)